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The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 00441-18 A.H.

AGENCY DKT. NO. C149445003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she failed to comply with her EA service plan ("SP") by violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 12, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 26, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was placed in temporary shelter housing on August 22, 2017. See Initial Decision at 2; see also Exhibit P-1. On October 17, 2017, Petitioner entered into an EA service plan ("SP") wherein she agreed, among other things, to comply with shelter rules. See Initial Decision at 2; see also Exhibit P-2. By notice dated November 14, 2017, the Agency terminated Petitioner's EA benefits, effective November 25, 2017, and imposed a six-month EA ineligibility penalty, contending that Petitioner failed to comply with her SP when she violated the shelter rules by not performing assigned chores. See Initial Decision at 3, 4; see also Exhibits P-1, P-4, and N.J.A.C. 10:90-6.6(a).

In support of its contention that Petitioner failed to comply with her SP, the Agency submitted a November 8, 2017, letter from the shelter placement's Resident Care Specialist, detailing Petitioner's alleged non-compliance with the shelter rules. See Exhibit P-1. However, the ALJ found that this letter did not constitute legally competent evidence under the Residuum Rule, N.J.A.C. 1:1-15.5(b), and therefore, could not form the basis of his decision. See Initial Decision at 6-7. As such, the ALJ concluded that the Agency had not presented legally competent evidence to establish that Petitioner had failed to comply with her SP. See Initial Decision at 7. Conversely, Petitioner testified that she was never informed of any shelter rule requirement to perform rotating chores, and only learned about the existence of a chores list a few weeks after moving into the facility. *Id.* at 3. The ALJ found Petitioner's testimony to be credible. *Id.* at 4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. *Id.* at 6; see also Exhibit P-4, and N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



By way of comment, because I agree with the ALJ's conclusion that the Agency improperly terminated Petitioner's EA benefits, I hereby find that the Agency's imposition of a six-month EA ineligibility period was also improper, and must be reversed. Ibid.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

APR - 5 2018

Natasha Johnson

Director

